

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MATTHEW LABREC,

Plaintiff,

v.

ORDER

DUSTIN MEEKER, HENRY HANSEN,
JONATHAN KORDUCKI, KEVIN PHILLIPS,
MICHAEL JULSON, and JESSE BEAVER,

17-cv-485-jdp

Defendants.

Pro se plaintiff Matthew LaBrec is proceeding on claims that several prison employees at Columbia Correctional Institution failed to prevent serious acts of self-harm, in violation of the Eighth Amendment and Wisconsin's common law of negligence. The court stayed the case to recruit counsel to represent LaBrec, but now Monica Mark of the law firm Reinhart Boerner Van Deuren s.c. has volunteered. Mark has taken the case with the understanding that she will serve with no guarantee of compensation for her services.

It is the court's intention that the scope of representation extends to proceedings in this court only. "Proceedings in this court" include all matters leading up to a final judgment on the merits, the filing of a notice of appeal, if appropriate, and ensuring that all steps are taken to transfer the record to the Court of Appeals for the Seventh Circuit. The court also intends that the scope of representation be limited to litigating LaBrec's current claims. It is unnecessary for counsel to file an amended complaint or otherwise relitigate matters already completed. Counsel should focus on doing what is necessary to prepare the case for trial. If counsel believes that she needs to file an amended complaint, she will have to meet the requirements of Fed. R. Civ. P. 15.

LaBrec should understand that because he is now represented in this case, he may not communicate directly with the court from this point forward. He must work directly with counsel and permit counsel to exercise her professional judgment to determine which matters are appropriate to bring to the court's attention and in what form. LaBrec does not have the right to require counsel to raise frivolous arguments or to follow every directive he makes. He should be prepared to accept the strategic decisions made by counsel even if he disagrees with some of them. If LaBrec decides at some point not to work with counsel, he is free to end the representation, but he should be aware that it is unlikely that the court will work to recruit another set lawyer to represent him.

If the parties believe that mediation could help resolve their disputes, they may contact the clerk of court, Peter Oppeneer, for assistance.

ORDER

IT IS ORDERED that the clerk of court is directed to set a telephone conference before Magistrate Judge Stephen Crocker to set the schedule for the remainder of the proceedings in this lawsuit.

Entered January 28, 2019.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge